

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOSE MANUEL ROMAN, JR.,</b>	:	
<b>Petitioner</b>	:	
	:	<b>No. 1:16-cv-2101</b>
<b>v.</b>	:	
	:	<b>(Judge Kane)</b>
<b>DAUPHIN COUNTY COURT OF COMMON PLEAS,</b>	:	<b>(Chief Magistrate Judge Schwab)</b>
<b>Respondent</b>	:	

**ORDER**

Before the Court in the above-captioned action is the January 31, 2017 Report and Recommendation of Chief Magistrate Judge Schwab. (Doc. No. 6.) No timely objections have been filed. **ACCORDINGLY**, this 21st day of February 2017, upon review of the record and the applicable law, **IT IS ORDERED THAT:**

1. The Court adopts the Report and Recommendation (Doc. No. 6), of Chief Magistrate Judge Schwab;
2. Petitioner's Petition for Writ of Habeas Corpus is **DISMISSED** for lack of jurisdiction, as it appears from the face of the petition that Petitioner is not "in custody;" and
3. The Clerk of Court is directed to close the case.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania